

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Tomas PLASCENCIA

Defendant.

Magistrate Case No.

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
 1324(a)(2)(B)(iii) -
 Bringing in Illegal Alien
 Without Presentation

FILED


08 SEP -5 PM 12:33

08 MJ 27 42

ECL DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **September 4, 2008**, within the Southern District of California, defendant **Tomas PLASCENCIA**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Joel GARCIA-Meza**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).


 SIGNATURE OF COMPLAINANT
 Alfredo Loperena, Enforcement Officer
 U.S, Customs and Border Protection

Sworn to before me and subscribed in my presence this **5th** day of **September, 2008**.


 UNITED STATES MAGISTRATE JUDGE

DOA
 9/4/08
 ECL

PROBABLE CAUSE STATEMENT

The complainant states that **Joel GARCIA-Meza** is a citizen of a country other than the United States; that said alien has admitted that he is deportable; that his testimony is material, that it is impracticable to secure his attendance at the trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On **September 4, 2008**, at approximately 4:00 AM, **Tomas PLASCENCIA (Defendant)** was awaiting application for admission into the United States from Mexico at the vehicle entrance of the San Ysidro Port of Entry. Defendant was the driver and sole visible occupant of a blue 1995 Ford Windstar.

Customs and Border Protection (CBP) Officers were conducting pre-primary enforcement operations when Defendant was approached as he waited for inspection. A CBP service canine alerted to the driver's side quarter panel of the vehicle. Upon inspection by a CBP Officer, Defendant gave a negative Customs declaration and claimed ownership of the vehicle. Defendant declared himself a United States citizen and stated he was going to El Cajon, California to work. The inspecting officer conducted a cursory inspection of the vehicle and saw what appeared to be human hair inside the quarter panel. All occupants and the vehicle were escorted to secondary for a more thorough inspection.

In secondary, CBP Officers removed the middle seat of the van to access the driver side quarter panel area. Once the seat was removed officers pulled back the plastic cover and discovered a male concealed inside a natural compartment. The audio speaker and ventilation system had been removed to create space within the compartment. The male was assisted and removed from the compartment. Further investigation revealed the male to be a citizen of Mexico with no entitlements to enter the United States. The male was retained as a Material Witness and is now identified as **Joel GARCIA-Meza**.

Defendant was advised of his Miranda rights and agreed to submit to questioning without the benefit of counsel. A videotaped statement was obtained from the Defendant who gave the following declaration: Defendant stated he owned the vehicle. Defendant denied knowledge of the concealed alien.

The Material Witness was also interviewed and a videotaped statement was obtained with the following declaration: Material Witness declared to be a citizen of Mexico who has no legal right to enter the United States. Material Witness entered into a financial agreement with an unidentified smuggler to be smuggled into the United States for the monetary sum of \$1,500 USD, payable upon his arrival to Los Angeles, California. Material Witness was destined to Los Angeles to re-establish residency and employment.